

\*Permit No. 5722

4808

ABSTRACT MADE

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, A. E. D. Schlegel (Name of Applicant) of Pilot Rock (Postoffice), County of Umatilla, State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is East Birch Creek (Name of stream)

tributary of Umatilla River 6 miners inches.

2. The amount of water which the applicant intends to apply to beneficial use is 0.15 second foot cubic feet per second. or as much thereof as applicant is legally entitled to receive.

3. The use to which the water is to be applied is Irrigation for garden purposes and domestic use. (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located About 600 feet north of a point where East Birch Creek intersects the South line of Section 28, Township 1 South, Range 32 E.W.M. (Give distance and bearing to section corner)

being within the Southeast Southwest of Sec. 28, Tp. 1 South (Give smallest legal subdivision) (No. N. or S.)

R. 32 E, W. M., in the county of Umatilla (No. E. or W.)

5. The main ditch to be 2 miles (Main ditch, canal or pipe line) in length, terminating in the NW SW SW of Sec. 21, Tp. 1 South (Smallest legal subdivision) (No. N. or S.)

R. 32 E, W. M., the proposed location being shown throughout on the accompanying map. (No. E. or W.)

6. The name of the ditch, canal or other works is John P. McManus, Apperbury Ditch

DESCRIPTION OF WORKS

DIVERSION WORKS— No dam

7. (a) Height of dam feet, length on top feet, length at bottom

feet; material to be used and character of construction (Loose rock, concrete,

masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

\* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) about 3 feet; width on bottom about 2 feet; depth of water One feet; grade don't know feet fall per one thousand feet.

(b) At miles from headgate. Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

Same dimensions prevail for practically the entire length.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

9. The land to be irrigated has a total area of 5 1/2 acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate) A tract in Southwest of Southwest quarter of Section 21 Township One South

Range 32, S.W.M. described as follows; Commencing at a point 502.8 feet due north of the Southwest corner of said section 21, thence 837.8 feet thence north 6° 30' West 291 feet, thence West 805 feet, thence south 289.2 feet to the place of beginning, containing 5.45 acres.

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet. (Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec. (Legal subdivision)

Tp. (No. N. or S.), R. (No. E. or W.), W. M.

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return

, Sec. (No. N. or S.), Tp. (No. E. or W.), R. (No. E. or W.), W. M.

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

11. To supply the city of .....

(Name of) ..... County, having a present population of .....

and an estimated population of ..... in 19.....

(Answer questions 12, 13, 14 and 15 in all cases)

12. Estimated cost of proposed works, \$ 1500.00 Have been constructed since 1909.

13. Construction work will begin on or before ..... In existence since 1909.

14. Construction work will be completed on or before .....

15. The water will be completely applied to the proposed use on or before .....  
Now in use & constantly used since 1909.

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Water Board, accompany this application.

(See Remarks below).

A. E. D. Schlegel.

(Name of applicant)

Signed in the presence of us as witnesses:

(1) George E. Schlegel, .....

(Name)

Pilot Rock, Oregon.

(Address of Witness)

(2) H. J. Warne, .....

(Name)

Pendleton, Oregon.

(Address of Witness)

Remarks: This application is to reinstate water rights granted under Permit 237, insofar as the same effects the parcel described in Par. 9 above, which was granted to John McManus in 1909 & which applicant is advised was permitted to lapse. Applicant is informed that maps covering the above are now on file with the State Board. Said maps show the true the true present status of said ditch, except that point of diversion is now located at point described in Par. 4 above instead of point shown on maps.

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

To have the map and application correpond in regard to the point of diversion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before January 13 1922.

WITNESS my hand this 14 day of December, 1922.

Percy A. Cupper

L.A.

State Engineer.

Application No. 8741

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Permit No. 5722

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

District No.

This instrument was first received in the office of the State Engineer at

Salem, Oregon, on the 29 day

of November, 1922,

at 1:30 o'clock P.M.

Returned to applicant for correction December 14, 1922

Corrected application received

December 18, 1922

Approved:

December 29, 1922

Recorded in Book No. 20 of Permits, on Page 5722

Percy A. Cupper

State Engineer.

1 map BR

\$8.90

STATE OF OREGON, ) ss. County of Marion, )

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The right herein granted is limited to the appropriation of water from East Birch Creek for irrigation and domestic purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.15 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is November 29, 1922.

Actual construction work shall begin on or before December 29, 1923 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1924.

Complete application of the water to the proposed use shall be made on or before October 1, 1925

WITNESS my hand this 29th day of December, 1922.

Percy A. Cupper.

State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 5723, Oregon Laws, and the payment of annual fees as provided in Section 5803, Oregon Laws.